

**Independent Claims****1. (Currently Amended) A metal truss, comprising:**

a pair of elongated top chord members each having a first end and a second end, the top chord members connected to each other at the first end;

a first elongated bottom chord member, the ends of the first bottom chord member connected fixed DIRECTLY to the top chord members adjacent the second ends of the top chord members;

a second elongated bottom chord member, the ends of the second bottom chord member connected fixed DIRECTLY to the top chord members adjacent the second ends of the top chord members such that the second bottom chord member is spaced from the first bottom chord member; and

at least one web member positioned between and interconnecting at least one top chord member and the first bottom chord member, one end of the web member connected to the at least one top chord member and the other end of the web member connected to the first bottom chord member.

- Claims 7 and 12 define a building system and building including the metal truss of claim 1.

**17. (Currently Amended) A metal truss, comprising:**

a plurality of elongated top chord members, the top chord members connected to each other end to end so that the connected top chord members have two free ends;

a first elongated bottom chord member, the ends of the first bottom chord member connected fixed DIRECTLY to the top chord members adjacent the free ends of the connected top chord members;

a second elongated bottom chord member, the ends of the second bottom chord member connected fixed DIRECTLY to the top chord members adjacent the free ends of the connected top chord members such that the second bottom chord member is spaced from the first bottom chord member; and

at least one web member positioned between and interconnecting at least one top chord member and the first bottom chord member, one end of the web member connected to the at least one top chord member and the other end of the web member connected to the first bottom chord member.

18. (Currently Amended) A metal truss, comprising:

a pair of elongated top chord members each having a first end and a second end, the top chord members connected to each other at the first end;

a first elongated bottom chord member;

means for directly fastening connecting the first bottom chord member to the top chord members adjacent the second ends of the top chord members;

a second elongated bottom chord member;

means for connecting the second bottom chord member to the first bottom chord member such that the second bottom chord member is spaced from the first bottom chord member; and

at least one web member positioned between and interconnecting at least one top chord member and the first bottom chord member, one end of the web member connected to

the at least one top chord member and the other end of the web member connected to the first bottom chord member.

33. (Currently Amended) A metal truss, comprising:

a plurality of elongated top chord members, the top chord members connected to each other end to end so that the connected top chord members have two free ends;

a first elongated bottom chord member;

means for connecting directly fastening the first bottom chord member to the top chord members adjacent the second ends of the top chord members;

a second elongated bottom chord member;

means for connecting the second bottom chord member to the first bottom chord member such that the second bottom chord member is spaced from the first bottom chord member; and

at least one web member positioned between and interconnecting at least one top chord member and the first bottom chord member, one end of the web member connected to the at least one top chord member and the other end of the web member connected to the first bottom chord member.

**Issue**

Whether the cited references teach or suggest the claimed metal truss.

**Examiner's position**

The feature—top and bottom chord are “directly joined”—are not recited in the rejected claims.

Examiner asserts that the prior art of Macomber still anticipates the amended claims as recited in the previous Office Action--limitation of “fixed” merely requires the bottom chord members to be securely fastened or held in an unmovable position—chords of Macomber are clearly securely fastened or held in an unmovable position, albeit via the vertically oriented struts.

Macomber still anticipates claims 18 and 33—amended to include the limitation means for “directly fastening”—as the means for directly fastening include the vertically oriented struts which directly fasten the two chord members together.

Examiner notes that Ruppel was not used for its teaching of the structure of the truss but rather the teaching of a plurality of trusses upon a wall structure.

**Our position**

Proposed amendment herein clarifies distinct structural differences of applicants' truss over Macomber.

**U.S. Patent Application No. 10/065,278****Pending Claims**

Claims 1-22 and 33-35 are rejected.

Directed to a metal truss (independent claims 1, 17, 18 and 33) with two vertically spaced bottom chords and a building system (independent claim 7) and building (independent claim 12) incorporating the metal truss.

**Rejections**

Claims 1-3, 5, 17-21 and 33 are rejected as anticipated by Macomber.

Claims 4 and 34 are rejected as obvious over Macomber.

Claims 7-10 and 12-15 and 35 are rejected as obvious over Macomber in view of Ruppel.

Claims 6, 11, and 22 are rejected as obvious over Macomber in view of Bertrand.

Claim 16 is rejected as obvious over Macomber in view of Ruppel and further in view of Bertrand.

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